

REMARKS

The present application is directed to an antibody or a fragment thereof that recognizes a mammalian GBS toxin receptor. The application is also directed to compositions comprising the antibody. Prior to this Amendment and Response to Non-Final Office Action ("Response"), Claims 82, 85-89, 97, 99 and 102-105 were pending. In this Response, applicants cancel Claim 105 and request entry of the amendments to Claims 97, 99, 102 and 103 ("the present amendments"). The present amendments do not add any new matter. Upon entry of the present amendments, Claims 82, 85-89, 97, 99 and 102-104 will be pending.

Allowed and Allowable Claims

On pages 1 and 5 of the Office Action, the Examiner states that Claims 82, 85-89 and 104 are allowed. On page 5 of the Office Action, the Examiner states that Claims 99, 102 and 103 would be allowable if rewritten in independent form. In this Response, Applicants amend Claims 99, 102 and 103 into independent form and assert that they are now allowable.

Claim Rejections under 35 U.S.C. §112, First Paragraph - Enablement

The Examiner maintains the rejection of Claim 97 under 35 U.S.C. § 112, first paragraph. On page 4 of the Office Action, the Examiner asserts that "[a]n antibody that does not have a binding affinity for the GBS toxin receptor cannot be used to detect the GBS toxin receptor." Applicants amend Claim 97 to recite an isolated antibody or a fragment thereof "that binds the GBS toxin receptor." Support for the amendment is found throughout the application, as filed, for example, on page 46, lines 8-11, and on page 47, lines 12-16, of the specification. Applicants assert that the amendment to Claim 97 overcomes the rejection and request its withdrawal.

Claim Rejections under 35 U.S.C. §112, First Paragraph - Written Description

The Examiner maintains the rejection of Claim 105 under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification. Applicants cancel Claim 105, thereby rendering its rejection moot, and request withdrawal of the rejection.

CONCLUSION

The foregoing is submitted as a complete Response to the Office Action mailed September 19, 2007. Applicants submit that the claims in the present application are in condition for allowance, and such action is courteously solicited. No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855. If the Examiner believes that any informalities remain in the case, which may be corrected by Examiner's amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 815-6102 is respectfully solicited.

Respectfully submitted,

/elena s. polovnikova/

Elena S. Polovnikova, Ph.D.
Patent Agent
Reg. No. 52,130

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
Telephone: 404-815-6500
Attorney Docket No.: 49530-299673 (KS0202/VU9861)